

Senate File 13 - Introduced

SENATE FILE 13
BY LOFGREN

A BILL FOR

1 An Act relating to protests of assessments for commercial and
2 industrial property filed with the local board of review and
3 including applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 441.26, subsection 1, Code 2023, is
2 amended to read as follows:

3 1. The director of revenue shall each year prescribe
4 the form of assessment roll to be used by all assessors in
5 assessing property, in this state, also the form of pages of
6 the assessor's assessment book. The assessment rolls shall
7 be in a form that will permit entering, separately, the names
8 of all persons assessed, and shall also contain a notice in
9 substantially the following form:

10 If you are not satisfied that the foregoing assessment is
11 correct, you may contact the assessor on or after April 2,
12 to and including April 25, of the year of the assessment to
13 request an informal review of the assessment pursuant to
14 section 441.30.

15 If you are not satisfied that the foregoing assessment is
16 correct, you may file a protest against such assessment with
17 the board of review on or after April 2, to and including April
18 30, of the year of the assessment, such protest to be confined
19 to the grounds specified in [section 441.37](#). A protest against
20 such assessment for property classified as commercial property
21 or industrial property may only be filed if you have not filed
22 a protest for the property in any of the immediately preceding
23 three assessment years, unless the assessor, following an
24 informal review under section 441.30, recommends that you
25 file a protest; there is a clerical or mathematical error as
26 provided in section 441.37, subsection 2; or the property has
27 changed ownership, been reclassified, or has been improved
28 or had improvements to the property removed during the year
29 preceding January 1 of the assessment year.

30 Dated: .. day of ... (month), .. (year)

31

32 County/City Assessor.

33 Sec. 2. Section 441.37, subsection 1, paragraph a,
34 subparagraph (1), unnumbered paragraph 1, Code 2023, is amended
35 to read as follows:

1 ~~Any~~ Unless prohibited under paragraph "Ob", any property
2 owner or aggrieved taxpayer who is dissatisfied with the
3 owner's or taxpayer's assessment may file a protest against
4 such assessment with the board of review on or after April
5 2, to and including April 30, of the year of the assessment.
6 In any county which has been declared to be a disaster area
7 by proper federal authorities after March 1 and prior to May
8 20 of said year of assessment, the board of review shall be
9 authorized to remain in session until June 15 and the time
10 for filing a protest shall be extended to and include the
11 period from May 25 to June 5 of such year. The protest shall
12 be in writing on forms prescribed by the director of revenue
13 and, except as provided in [subsection 3](#), signed by the one
14 protesting or by the protester's duly authorized agent. The
15 taxpayer may have an oral hearing on the protest if the request
16 for the oral hearing is made in writing at the time of filing
17 the protest. The protest must be confined to one or more of the
18 following grounds:

19 Sec. 3. Section 441.37, subsection 1, Code 2023, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *Ob.* A property owner or aggrieved taxpayer
22 shall not be authorized to protest the owner or taxpayer's
23 assessment for property classified as commercial property
24 or industrial property if the owner or taxpayer has filed a
25 protest for the property in any of the immediately preceding
26 three assessment years, unless the assessor, following an
27 informal review under section 441.30, recommends that the owner
28 or taxpayer file a protest; there is a clerical or mathematical
29 error as provided in subsection 2; or the property has changed
30 ownership, been reclassified, or has been improved or had
31 improvements to the property removed during the year preceding
32 January 1 of the assessment year.

33 Sec. 4. Section 441.49, subsection 2, paragraph a,
34 unnumbered paragraph 1, Code 2023, is amended to read as
35 follows:

1 On or before October 8 the county auditor shall cause to
2 be published in official newspapers of general circulation
3 the final equalization order. The county auditor shall also
4 notify each property owner or taxpayer whose valuation has been
5 increased by the final equalization order by mail postmarked on
6 or before October 8. The publication and the individual notice
7 mailed to each property owner or taxpayer whose valuation has
8 been increased shall include, in type larger than the remainder
9 of the publication or notice, the following statements:

10 Assessed values are equalized by the department of revenue
11 every two years. Local taxing authorities determine the final
12 tax levies and may reduce property tax rates to compensate
13 for any increase in valuation due to equalization. If you
14 are not satisfied that your assessment as adjusted by the
15 equalization order is correct, you may file a protest against
16 such assessment with the board of review on or after October 9,
17 to and including October 31. A protest against an assessment
18 as adjusted by the equalization order for property classified
19 as commercial property or industrial property may only be filed
20 if you have not filed a protest against the assessment as
21 adjusted by an equalization order for the property in any of
22 the immediately preceding three assessment years.

23 Sec. 5. Section 441.49, subsection 4, Code 2023, is amended
24 to read as follows:

25 4. The local board of review shall reconvene in special
26 session from October 10 to November 15 for the purpose of
27 hearing the protests of affected property owners or taxpayers
28 within the jurisdiction of the board whose valuation of
29 property if adjusted pursuant to the equalization order
30 issued by the department of revenue will result in a greater
31 value than permitted under [section 441.21](#). A property owner
32 or taxpayer shall not be authorized to protest against the
33 assessment as adjusted by an equalization order for property
34 classified as commercial property or industrial property if the
35 owner or taxpayer has filed a protest against the assessment

1 as adjusted by an equalization order for the property in any
2 of the immediately preceding three assessment years. The
3 board of review shall accept protests only during the period
4 of time from October 9, to and including October 31. The board
5 of review shall limit its review to only the timely filed
6 protests. The board of review may adjust all or a part of the
7 percentage increase ordered by the department of revenue by
8 adjusting the actual value of the property under protest to one
9 hundred percent of actual value. Any adjustment so determined
10 by the board of review shall not exceed the percentage increase
11 provided for in the department's equalization order. The
12 determination of the board of review on filed protests is
13 final, subject to appeal to the property assessment appeal
14 board. A final decision by the local board of review, or the
15 property assessment appeal board, if the local board's decision
16 is appealed, is subject to review by the director of revenue
17 for the purpose of determining whether the board's actions
18 substantially altered the equalization order. In making the
19 review, the director has all the powers provided in chapter
20 421, and in exercising the powers the director is not subject
21 to [chapter 17A](#). Not later than fifteen days following the
22 adjournment of the board, the board of review shall submit to
23 the director of revenue, on forms prescribed by the director, a
24 report of all actions taken by the board of review during this
25 session.

26 Sec. 6. APPLICABILITY. This Act applies to assessment years
27 beginning on or after January 1, 2024.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to protests of assessments for commercial
32 and industrial property filed with the local board of review.
33 The bill provides that for the protests of property assessments
34 filed with the local board of review during the period of April
35 2, to and including April 30, a property owner or aggrieved

1 taxpayer shall not be authorized to protest the owner or
2 taxpayer's assessment for property classified as commercial
3 property or industrial property if the owner or taxpayer has
4 filed a protest for the property in any of the immediately
5 preceding three assessment years, unless the assessor,
6 following an informal review under Code section 441.30,
7 recommends that the owner or taxpayer file a protest; there
8 is a clerical or mathematical error in the assessment; or the
9 property has changed ownership, been reclassified, or has been
10 improved or had improvements to the property removed during the
11 year preceding January 1 of the assessment year.

12 The bill also amends Code section 441.49 relating to
13 protests of changes to assessments resulting from application
14 of equalization orders issued by the department of revenue.
15 The bill provides that a property owner or taxpayer shall not
16 be authorized to protest against the assessment as adjusted by
17 an equalization order for property classified as commercial
18 property or industrial property if the owner or taxpayer has
19 filed a protest against the assessment as adjusted by an
20 equalization order for the property in any of the immediately
21 preceding three assessment years.

22 The bill applies to assessment years beginning on or after
23 January 1, 2024.